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SUBJECT: RUSSIA TRASHES MINIMALIST KOSOVO DRAFT RESOLUTION

Classified By: Ambassador Zalmay Khalilzad for Reasons 1.4 B/D.

¶11. (C) SUMMARY. Russian PermRep Churkin told co-sponsors of a revised draft resolution on Kosovo that Moscow's initial reaction to their text was thoroughly dismissive. He read guidance from Moscow characterizing the draft as calling for negotiations that would be mere formalities leading to automatic independence for Kosovo and the automatic termination of Security Council Resolution 1244. Adding his own thoughts, Churkin suggested a half dozen significant edits, called for a new mediator to replace Special Envoy Ahtisaari, and finally dismissed the whole idea of a text, saying "we are not yet at a drafting stage." Co-sponsors chided Russia for rejecting constructive grayness and insisting on clarity that only reveals a wide disconnect between Russia and other Council members. Churkin snapped back that references in Annex II of the draft to Kosovo institutions eventually taking responsibility for ensuring security from external threats and to Kosovo's integration into Euro-Atlantic structures were not gray but clear evidence of state-building. The French plan to formally circulate the widely leaked draft to the full Council on July 13 and to call for Council Consultations for July 16. Co-sponsors will seek guidance from capitals on subsequent steps. END SUMMARY.

Russia Dismisses New Kosovo Draft Resolution

¶12. (C) In their July 11 presentation of a new draft resolution on Kosovo to Russian PermRep Vitaly Churkin, draft co-sponsors (U.S., UK, France, Italy, Slovakia) joined by Germany characterized it as a "minimalist" text designed to initiate a new 120-day round of negotiations, the deployment of an enhanced EU role, and the phase-out of UNMIK. Any enthusiasm engendered by Churkin's July 12 request for another meeting was quickly dampened by press reports that Russian FM Lavrov had already dismissed the text as a veiled call for Kosovo independence.

¶13. (C) Opening the July 12 meeting, Churkin read (with some embellishment) instructions from Moscow as follows:

"The draft preserves automaticity of Kosovo independence; the reference is veiled but it's still there. The text is permeated with independence as the outcome after 120 days. The new talks look like a formality. The draft lacks reaffirmation of all provisions of resolution 1244. OP 4 and 7 pre-determine the auto-elimination of 1244 after 120 days. Can you confirm that 1244 would remain in force upon conclusion of the negotiation process? The mandates of the new international community presences is copied from Ahtisaari. So the idea is to start building up the institutions of an independent state. The agreement and coordination with Belgrade about the new international community presences is outside of the brackets. The view of

Belgrade needs to be taken into account. Without Belgrade's approval, we can't approve."

¶ 14. (C) Churkin then added, "Outside my instructions, I can offer a few comments. PP 2 should be 'reaffirming' rather than 'recalling.' PP 7 should have 'limited' before 'progress.' In OP 2, 'relevant states' is unclear; 'to determine whether common ground can be found' should be changed to 'to find common ground' so that parties don't just affirm their opposing views; and 'to take a new decision' should be inserted after 'review the situation.' The IDP/refugee language must be strengthened. We are not yet at a drafting stage. We want a new mediator; Ahtisaari has exhausted his mandate; a new mediator must be acceptable to both sides. Four months is too short and would only be a stage in the process."

Sponsors Chide Russia for Noncooperation

¶ 15. (C) USUN (Amb Wolff) opened the response to Churkin by saying that the sponsors had gone to great lengths to accommodate Russian red lines and Moscow's reply with only negativity came as a great disappointment. Wolff said these efforts and this reply don't leave us with an evident way forward. Churkin replied, straightfaced, that he doesn't see Moscow's reply as a rejection, saying that "1244 is the key thing; is it superseded or not?" He singled out OP 1 as ripe for deletion, saying "it's OK to be polite to Ahtisaari to mention his efforts, but you don't need to stick the finger of the Ahtisaari plan in the door." He insisted that "I don't think the situation is hopeless."

¶ 16. (C) France (Amb de la Sabliere) took on Churkin on 1244, saying "my national position is that 1244 must die, but we

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know you can't accept that, so we have these 120 days with no statement of what happens after. If you want (express) affirmation of 1244, you won't get it. France added that "you want some wording on a second resolution; we can't give you that."

¶ 17. (C) Germany (Amb Matussek) characterized the draft as an effort to patch over what the sponsors saw as a "great disconnect" with Russia by leaving things unclear and providing a basis for building an agreement later." He said the idea was to agree on the concept of grayness and, if we agreed on the basic approach, we can come back to the details but, if you insist on clarity, we go back to an open disconnect." An irked Churkin snapped back that "Annex II, para 1a on external threats and Euro-Atlantic structures; that's not gray -- you are setting up a state. This is transparent grayness."

¶ 18. (C) COMMENT. The challenge faced by co-sponsors was to produce a text that skirted Russia longstanding red lines (no automaticity, no language on precedence, and continuation of 1244) but left the EU enough political and legal foundation to launch its new international presences. Stripped of all extraneous complaints, Russia's reaction and Churkin emphasis on 1244 reveals that Russia is unwilling to try to sell to Belgrade a text that arguably supersedes 1244 (and its references to territorial integrity) in favor of a text that brings the EU into Kosovo (which Russia favors) but also arguably supersedes 1244 and leaves the door open to bilateral recognitions of Kosovo sovereignty. END COMMENT.

¶ 19. (U) France is circulating the text informally to the full Council on July 13. Consultations will be scheduled for July ¶ 16.

KHALILZAD